



## Wichita Police Department Policy Manual

Approved by: \_\_\_\_\_

### Policy 703 – Deaf and Hard of Hearing Persons

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Maintained by:  
Training Bureau

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703.01 It is the policy of the Wichita Police Department (WPD) to ensure that a consistently high level of service is provided to all community members, including those who are deaf, Deaf or hard of hearing. This Agency has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act to communicate effectively with people who are deaf, Deaf or hard of hearing. To carry out these policies and legal obligations, the WPD instructs its Departmental members as follows:

- People who are deaf, Deaf or hard of hearing are entitled to a level of service equivalent to that provided to other persons.
- WPD will make every effort to ensure that its Departmental members communicate effectively with people who are deaf, Deaf or hard of hearing.
- Effective communication with a person who is deaf, Deaf or hard of hearing involved in an incident – whether as a victim, witness, suspect, or arrestee – is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.
- The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue.

#### DEFINITIONS

703.02 According to the National Association for the Deaf, how people “label” themselves in terms of their hearing loss is personal and may reflect identification with the Deaf community or merely how their hearing loss affects their ability to communicate. A person can either be deaf, Deaf, or hard of hearing.

- Auxiliary aids and services:* Refers to various types of aids used to communicate with people who are deaf, Deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of an assistive listening system or device to amplify sound for persons who are hard of hearing; use of a teletypewriter (TTY) or use of a qualified oral or sign language interpreter.
- deaf:* The term “deaf” (lowercase) refers to those who are unable to hear well enough to rely on their hearing as the primary means of receiving and processing oral communication. These individuals may not rely upon a single mode of communication, and may enlist several different modes for communication, such as a sign language system (American Sign Language, Pidgin Signed language, Signed Exact English, etc.), communicating verbally while wearing hearing aids, as well as using written English. Often, these people have experienced their hearing loss later in life, and are referred to as “late deafened adults.” Their deafness, though unique, does not necessarily bring with it an identity, common language (such as ASL), or culture.
- Deaf:* The term “Deaf” (uppercase) refers to a particular group of deaf people who share a common language - American Sign Language (ASL) — and a culture. This culture includes a set of beliefs about themselves and their connection to the larger society.
- hard of hearing:* The term “hard of hearing” refers to those who have some hearing, are able to use it for communication purposes, and who feel reasonably comfortable doing so. “Hard of hearing” can denote a person with mild-to-moderate hearing loss and/or denote a deaf person who does not want cultural affiliation with the Deaf community.

703.03 A member of the Department may make the first attempt in writing to determine the primary mode of communication with a deaf, Deaf, or hard of hearing person. Many deaf senior citizens do not know sign language, so the primary mode of communication may be in writing. Many Deaf citizens may know sign language but may have poor writing and reading skills, so writing may not always be a good communication mode. A few hard of hearing people may prefer sign language as their primary mode of communication.

#### ROUTINE CONTACTS

703.04 In many circumstances, oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communicating with people who are deaf, Deaf or hard of hearing. In other circumstances, a qualified sign language interpreter may be needed to communicate effectively with persons who are deaf, Deaf or hard of hearing. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication.

703.05 To serve each individual effectively, primary consideration should be given to providing the type of communication aid or service requested by the individual. Departmental members should find out from the person who is deaf, Deaf or hard of hearing what type of auxiliary aid or service he or she needs. Departmental members should defer to those expressed choices, unless:

- There is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing; or
  - Doing so would fundamentally alter the nature of the law enforcement activity in question or would cause an undue administrative or financial burden; this determination will only be made by the appropriate Deputy Chief or designee.
- 703.06 A Department member whose sign language skill level is not sufficient for communicating with a deaf, Deaf, or hard of hearing person should first attempt to communicate in writing.
- 703.07 A Department member should normally not ask a family member or friend to interpret, unless the deaf, Deaf, or hard of hearing person initiates the request.
- 703.08 The input of people who are deaf, Deaf or hard of hearing who are involved in incidents is just as important to the law enforcement process as the input of others. Departmental members must not draw conclusions about incidents unless they fully understand – and are understood by – all those involved, including people who are deaf, Deaf or hard of hearing.
- A. If the deaf, Deaf, or hard of hearing person needs an interpreter to communicate clearly, the Department member should request a qualified interpreter.
  - B. Departmental members should mark the appropriate check box on any NTA or moving citation issued if a sign or oral interpreter would be needed to assist the defendant at first appearance. This will allow the Municipal Court to provide the appropriate interpreter at the first appearance, eliminating hearing delays for that reason. The Municipal Court has an assistive listening device available at all times.
  - C. People who are deaf or hard of hearing must not be charged for the cost of an auxiliary aid or service needed for effective communication.
- 703.09 If the person makes a request for a family member or friend to interpret, caution should be taken to ensure that the information is being provided directly and accurately from the deaf, Deaf, or hard of hearing person. If the family member or friend has a conflict of interest in the situation, he/she may intentionally interpret information inaccurately. (This will also apply in the sections below covering traffic-related and investigative contacts.) In such instances the Department member should request a qualified interpreter.

#### TRAFFIC-RELATED CONTACTS

- 703.10 Traffic Stops: An officer contacting a driver/violator who is deaf, Deaf, or hard of hearing should attempt to communicate in writing. It is important to communicate directly with the violator. The officer should normally not ask family members or other passengers to interpret, unless the violator initiates the request.
- A. The officer should explain in writing the reason for the stop and the citation (if applicable). The violator should be given the opportunity to respond and/or ask questions.
  - B. To ensure that Municipal Court staff will be aware of the need for an interpreter, the officer should indicate on the back of the citation that the violator is deaf or hard of hearing.
  - C. If a citation is issued, all handwritten notes should be attached to the citation.
- 703.11 Traffic Accidents: When a deaf, Deaf, or hard of hearing person has been involved in a traffic accident, any means of communication may be used to determine if the person is injured. Time-critical actions that are taken fundamental to the law enforcement and public safety activity involved (towing of vehicles, arrests, etc.) should be explained to the deaf, Deaf or hard of hearing person in writing or other available means, as soon as it is practical to do so.
- A. Non-Injury Accident: The investigating officer should communicate in writing with the deaf, Deaf or hard of hearing person, making every effort to ensure the person is aware of police conversations with other drivers. If the deaf, Deaf or hard of hearing person requests an interpreter, the officer should attempt to contact a qualified interpreter. The right of effective communication for a deaf, Deaf or hard of hearing person is equal to, but not greater than that of other drivers.
  - B. Injury Accident: The guidelines listed for Non-Injury Accident (above) shall be followed when the investigating officer needs to communicate with deaf, Deaf or hard of hearing persons who are injured but not transported to the hospital. When a deaf, Deaf or hard of hearing person is injured and transported to an area hospital, the investigating officer should request to have a qualified interpreter respond to the hospital to gather basic information for the accident report.
  - C. Fatality Accident: A qualified interpreter should be requested to assist the investigating Departmental members in communicating with deaf, Deaf or hard of hearing persons involved as participants or witnesses.

INVESTIGATIVE CONTACTS

- 703.12 An officer or detective (whose sign language skill level is not sufficient for the contact) making a routine investigative contact with a deaf, Deaf, or hard of hearing person should attempt to communicate in writing. The Department member is encouraged to retain all written notes for future reference.
- 703.13 It is recommended that a qualified interpreter be requested anytime a formal statement/interview is needed from a deaf, Deaf, or hard of hearing person who is a victim, witness, or suspect in a crime.
- 703.14 A qualified interpreter should be requested anytime a deaf, Deaf, or hard of hearing person is read the Miranda warning, even if the person is not in custody.
- 703.15 When an interview or interrogation is videotaped, the interpreter's hands or lips, as appropriate, should be captured in the video for verification of the interpretation. The interpreter and the person being interviewed should both be captured in the video to the extent possible.

ARREST CONTACTS

- 703.16 A qualified interpreter should be requested anytime a deaf, Deaf or hard of hearing person is arrested, including warrant arrests, to assist with information gathering and interviewing.
- 703.17 The physical act of placing someone under arrest should not be delayed for the arrival of a qualified interpreter, nor should any other activities deemed necessary for the safety of any citizen or Department member. The Departmental member should communicate in the clearest and safest way possible, preferably in writing, when informing a deaf, Deaf or hard of hearing person that they are being placed under arrest.
- 703.18 Persons who are deaf, Deaf or hard of hearing, and who communicate via sign language, cannot communicate when they are handcuffed. If the removal of handcuffs does not result in a threat to the safety of any person, the arresting or transporting officer should remove the handcuffs/restraints from the deaf, Deaf or hard of hearing arrestee as soon as practical.
- 703.19 In situations when a nondisabled person would have access to a telephone provided by the City, Departmental members must provide persons who are deaf or hard of hearing the opportunity to place calls using a teletypewriter (TTY, also known as a telecommunications device for deaf people, or TDD). Departmental members must also accept telephone calls placed by persons who are deaf or hard of hearing through the Telecommunications Relay Service.

DEFINITION/USE OF A QUALIFIED INTERPRETER

- 703.20 Under the Americans with Disabilities Act (ADA), a qualified interpreter is defined as "an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary."
- 703.21 Regardless of the circumstances described in the previous sections, a Department member should never hesitate to request a qualified interpreter if one is needed to facilitate effective communication.
- 703.22 A list of qualified interpreters will be maintained by the Information Services Unit on the Department's Intranet secure site, under Command Staff Links/Interpreters. Qualified interpreters are:
- A. Department Members on the Department's official bilingual pay list, as described in policy 203 and posted on the Intranet site.
  - B. Interpreters who have been screened by the Training Bureau for quality and skill, reliability, cost, and availability, and placed on the Intranet list.
- 703.23 A request for a qualified interpreter must be approved by a supervisor.
- A. The supervisor approving the request will first authorize an Emergency Communications dispatcher to contact an interpreter who is an on-duty Department member and is on the Department's bilingual pay list. If no such Department member is available, a qualified interpreter from the Intranet list will be contacted by S.P.I.D.E.R.;
  - B. The expense of providing a qualified interpreter will be paid by the Department, assuming that the request was made and approved by Department personnel;
  - C. If a qualified interpreter is utilized from the Intranet list, the supervisor approving the request must submit an e-mail detailing the name of the interpreter, case number, location, and arrival and departure times. The e-mail should be directed to the supervisor's Division Commander, the Support Services Division Commander, and the Fiscal Affairs Section's accounting clerk;
  - D. The use of an interpreter should always be properly documented in the associated Incident Report;
  - E. If an interpreter is not available to assist when requested, the Department member should attempt communications through the Relay Center (711) using a Departmental telephone and the Departmental TTY machine, if the deaf, Deaf or hard of hearing person is in custody or is willing to cooperate with this request.

- F. If none of the means set forth above are available when requested, it will be sufficient that a Department member made a good faith/practical effort to obtain a qualified interpreter, following the guidelines set forth in this policy. Such efforts should also be properly documented in the associated Incident Report. A time should be scheduled for communication when a qualified interpreter is available.

- 703.24 Departmental members must review and have a working knowledge of the publication *Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers*, which can be located on the Police Secure Site Shared Documents. This document reviews how Departmental members should communicate effectively in the types of situations Departmental members will encounter.

USE OF VIDEO CAMERAS AND DEAF AND HARD OF HEARING PERSONS

- 703.25 In situations where deaf and hard of hearing persons are being contacted by an officer utilizing a video camera, the officer shall ensure the deaf and hard of hearing persons, interpreters, and the camera are all positioned in a way which the use of emergency lights, spotlights, and flashlights do not interfere in clearly documenting the sign language conversations.

- A. This shall be done after all officer safety issues have been addressed.

- 703.26 Hand cuffing a deaf and hard of hearing persons behind their backs takes away their ability to communicate. If safe to do so an officer utilizing a video camera shall remove handcuffs from deaf and hard of hearing persons to clearly document their conversation.

- 703.27 When an officer utilizing a video camera has contact with deaf and hard of hearing persons, and an interpreter is used, the officer shall inform the interpreter that a video camera is being used in the investigation.

- A. The officer shall position himself/herself, deaf and hard of hearing persons, and interpreter in a way to clearly document sign language conversations.